

Statement for the Record of Marion E. (Spike) Bowman
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Senate Select Committee on Intelligence
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Mr. Chairman and members of the Committee, thank you for inviting me here today to testify on the legislative proposals concerning the Foreign Intelligence Surveillance Act (FISA). Holding this hearing demonstrates your collective and individual commitment to improving the security of our Nation. The Federal Bureau of Investigation greatly appreciates your leadership, and that of your colleagues in other committees on this very important topic.

The Foreign Intelligence Surveillance Act was written more than two decades ago. When adopted, the Act brought a degree of closure to fifty years of discussion concerning constitutional limits on the President's power to order electronic surveillance for national security purposes. A subsequent amendment brought physical search under the Act. In keeping with our standards of public governance, the proposals for the Act were publicly debated over a substantial period of time, compromises were reached and a statute eventually adopted. In the final analysis the standards governing when and how foreign intelligence surveillance or search would be conducted was a political one because it involved weighing of important public policy concerns surrounding both personal liberty and national security. That is how it should be.

In the intervening years FISA has proved its worth on countless occasions in preventing the occurrence or the continuation of harm to the national security. It has been a very effective tool and time has proved that this cooperative effort of the three branches of government can serve to protect the public without eroding civil liberties. Indeed, the legislative history shows that Congress intended that the Executive Branch keep a focus on civil liberties by giving great care and scrutiny every application before it is presented to a judge. We believe that intent has been fulfilled. The fact that an Article III judge is the final arbiter of compliance serves to give additional confidence to the public that the intent of the statute is fulfilled.

When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism as far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001 to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction. That brings us to the legislation being considered today.

The FBI uses investigative tools to try to prevent acts of terrorism wherever we can, but particularly to prevent terrorism directed at Americans or American interests. Most of our investigations occur within the United States and, for the most part, focus on individuals. Historically, terrorism subjects of FBI investigation have been associated with terrorist organizations. As a result, FBI has usually been able to associate an individual with a terrorist organization pled, for FISA purposes, as a foreign power. To a substantial extent, that remains true today. However, we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group, (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the International Jihad movement and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

This phenomenon, which we have seen to be growing for the past two or three years, appears to stem from a social movement that began at some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporary development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.

Background

During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of "umma" or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies. They were also influenced by radical spiritual and temporal leaders, one of whom has gained prominence on a global scale – Usama Bin Laden.

Following the withdrawal of the Soviet forces from Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could combat the more advanced Soviet forces. They also returned with new concepts of community that had little to do with nationalism. Those concepts of community fed naturally into opposition to the adoption, and toleration, of western culture. As a result, many of the Arab-Afghan returnees united, or reunited, with indigenous radical Islamic groups they had left behind when they went to Afghanistan. These Arab-Afghan mujahedin, equipped with extensive weapons and explosives training, infused radicals and already established terrorist groups, resulting in the creation of significantly better trained and more highly motivated cells dedicated to jihad.

Feeding the radical element was the social fact that this occurred in nations where there was widespread poverty and unemployment. The success of the Arab intervention in Afghanistan was readily apparent, so when the Arab-Afghan returnees came home they discovered populations of young

Muslims who increasingly were ready and even eager to view radical Islam as the only viable means of improving conditions in their countries. Seizing on widespread dissatisfaction with regimes that were brimming with un-Islamic ways, regimes that hosted foreign business and foreign military, many young Muslim males became eager to adopt the successful terrorist-related activities that had been successfully used in Afghanistan in the name of Islam. It was only a matter of time before these young Muslim males began to seek out the military and explosives training that the Arab-Afghan returnees possessed.

Usama bin Laden

Usama bin Laden gained prominence during the Afghan war in large measure for his logistical support to the resistance. He financed recruitment, transportation and training of Arab nationals who volunteered to fight alongside the Afghan mujahedin. The Afghan war was clearly a defining experience in his life. In a May, 1996 interview with Time Magazine, UBL stated: "in our religion there is a special place in the hereafter for those who participate in jihad. One day in Afghanistan was like 1,000 days in an ordinary mosque."

Although bin Laden was merely one leader among many during the Soviet-Afghan conflict, he was a wealthy Saudi who fought alongside the mujahedin. In consequence, his stature with the fighters was high during the war and he continued to rise in prominence such that, by 1998, he was able to announce a "fatwa" (religious ruling) that would be respected by far-flung Islamic radicals. In short, he stated that it is the duty of all Muslims to kill Americans: "in compliance with God's order, we issue the following fatwa to all Muslims: the ruling to kill the Americans and their allies, including civilians and military, is the individual duty for every Muslim who can do it in any country in which it is possible to do it."

Bin Laden was not alone in issuing this fatwa. It was signed as well by a coalition of leading Islamic militants to include Ayman Al-Zawahiri (at the time the leader of the Egyptian Islamic Jihad), Abu Yasr Rifa'i Ahmad Taha (Islamic Group leader) and Sheikh Fazl Ur Rahman (Harakat Ul Ansar leader). The fatwa was issued under the name of the *International Islamic Front for Jihad on the Jews and Christians*. This fatwa was significant as it was the first public call for attacks on Americans, both civilian and military, and because it reflected a unified position among recognized leaders in the radical Sunni Islamic community. In essence, the fatwa reflected the globalization of radical Islam.

There is a terrorist network of extremists that has been evolving in the murky terrain of Southwest Asia that uses its extremist views of Islam to justify terrorism. His organization, al Qaeda is but one example of this network.

Al Qaeda

Although Al-Qaeda functions independently of other terrorist organizations, it also functions through some of the terrorist organizations that operate under its umbrella or with its support, including:

the Al-Jihad, the Al-Gamma Al-Islamiyya (Islamic Group - led by Sheik Omar Abdel Rahman and later by Ahmed Refai Taha, a/k/a "Abu Yasser al Masri,"), Egyptian Islamic Jihad, and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan, the Kashmiri region of India, and the Chechen region of Russia. Al-Qaeda also maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom, Canada and the United States. By banding together, Al-Qaeda proposed to work together against the perceived common enemies in the West - particularly the United States which Al-Qaeda regards as an "infidel" state which provides essential support for other "infidel" governments. Al-Qaeda responded to the presence of United States armed forces in the Gulf and the arrest, conviction and imprisonment in the United States of persons belonging to Al-Qaeda by issuing fatwas indicating that attacks against U.S. interests, domestic and foreign, civilian and military, were both proper and necessary. Those fatwas resulted in attacks against U.S. nationals in locations around the world including Somalia, Kenya, Tanzania, Yemen, and now in the United States. Since 1993, thousands of people have died in those attacks.

The Training Camps

With the globalization of radical Islam now well begun, the next task was to gain adherents and promote international jihad. A major tool selected for this purpose was the promotion of terrorism training camps that had long been established in Afghanistan. It is important to note, that while terrorist adherents to what we have come to know as al Qaeda trained in the camps, many others did as well. For example, according to the convicted terrorist Ahmed Ressam, representatives of the Algerian Armed Islamic Group (GIA) and its off-shoot the Salafi Groups for Call and Combat (GSPC), HAMAS, Hizballah, the Egyptian Islamic Jihad (EIJ) and various other terrorists trained at the camps.

Ressam also reports that cells were formed, dependent, in part, on the timing of the arrival of the trainees, rather than on any cohesive or pre-existing organizational structure. As part of the training, clerics and other authority figures advised the cells of the targets that are deemed valid and proper. The training they received included placing bombs in airports, attacks against U.S. military installations, U.S. warships, embassies and business interests of the United States and Israel. Specifically included were hotels holding conferences of VIPs, military barracks, petroleum targets and information/technology centers. As part of the training, scenarios were developed that included all of these targets.

Ressam, who was not a member of al Qaeda, has stated that the cells were independent, but were given lists of the types of targets that were approved and were initiated into the doctrine of the international Jihad. Ressam explicitly noted that his own terrorism attack did not have bin Laden's blessing or his money, but he believed it would have been given had he asked for it. He did state that bin Laden urged more operations within the United States.

The International Jihad

We believe the suicide hijackers of September 11, 2001 acted in support of the 1998 fatwa which, in turn describes what we believe is the international jihad. During 1997 UBL described the "international jihad" as follows:

"The influence of the Afghan jihad on the Islamic world was so great and it necessitates that people should rise above many of their differences and unite their efforts against their enemy. Today, the nation is interacting well by uniting their efforts through jihad against the U.S. which has in collaboration with the Israeli government led the ferocious campaign against the Islamic world in occupying the holy sites of the Muslims. . . .[A]ny act of aggression against any of this land of a span of the hand measure makes it a duty for Muslims to send a sufficient number of their sons to fight off that aggression."

In May of 1988, UBL gave an interview in which he stated "God willing, you will see our work on the news. . . ." The following August the East African embassy bombings occurred. That was bin Laden speaking, but it should be remembered that the call to harm America is not limited to al Qaeda. Shortly after September 11 Mullah Omar said "the plan [to destroy America] is going ahead and God willing it is being implemented. . . ." Sheikh Ikrama Sabri, a Palestinian Mufti, said in a radio sermon in 1997, "Oh Allah, destroy America, her agents, and her allies! Cast them into their own traps, and cover the White House with black!" Ali Khameine'i, in 1998, said "The American regime is the enemy of [Iran's] Islamic government and our revolution." There are many other examples, but the lesson to be drawn is that al Qaeda is but one faction of a larger and very amorphous radical anti-western network that uses al Qaeda members as well as others sympathetic to al Qaeda's ideas or that share common hatreds.

Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on the concepts that make them a community. One place to look at the phenomenon of the "international jihad" is the web. Like many other groups, Muslim extremists have found the Internet to be a convenient tool for spreading propaganda and helpful hints for their followers around the world. Web sites calling for jihad, or holy war, against the West are not uncommon.

One of the larger jihad-related Internet offers primers including "How Can I Train Myself for Jihad." Traffic on this site, which is available in more than a dozen languages, increased 10-fold following the attacks, according to a spokesman for the site.

The lesson to be taken from this is that al Qaeda is far less a large organization than a facilitator, sometimes orchestrator, of Islamic militants around the globe. These militants are linked by ideas and

goals, not by organizational structure. The intent is establishment of a state, or states ruled by Islamic law and free of western influence. Bin Laden's contribution to the Islamic jihad is a creature of the modern world. He has spawned a global network of individuals with common, radical ideas, kept alive through modern communications and sustained through forged documents and money laundering activities on a global scale. While some may consider extremist Islam to be in retreat at the moment, its roots run deep and exceedingly wide. Those roots take many forms, one of which is the focus of this hearing.

In the final analysis, the International Jihad movement is comprised of dedicated individuals committed to establishing the umma through terrorist means. Many of these are persons who attended university together, trained in the camps together, traveled together. Al Qaeda and the international terrorists remain focused on the United States as their primary target. The United States and its allies, to include law enforcement and intelligence components world-wide have had an impact on the terrorists, but they are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.

The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorism problem. While I cannot discuss specific cases in a public hearing, the FBI has encountered individuals who cannot be sufficiently linked to a terrorist group or organization as required by FISA. The FBI greatly appreciates the Committee's consideration of this issue and looks forward to working with the Committee to find the best approach for appropriate investigation of such individuals.